IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.334 OF 2005
IN
SECOND APPEAL NO.153 OF 2005

Santosh Baba Yadav ....Applicant
vs.
Vinayak Kaluram Kolte ....Respondent

CORAM: A.S.OKA,J.
DATE : APRIL 28,2005.

P.C.:

1. Rule. Respondent waives service. Decree is for redemption of mortgage. Till final disposal of the Second Appeal, execution of the decree will have to be stayed. If sum of Rs.8,000/- is deposited by the Respondent in the Trial Court on the basis of the decree of the Trial Court, the same will have to be invested in fixed deposit in any nationalised bank.

2. Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (b) subject to condition that the Applicant/Appellant will not create any third party interests in respect of the suit property and will not part with possession in favour of any third party.

ii) In the event the Respondent has deposited a sum of Rs.8,000/- in the Trial Court on the basis of decree of the Trial Court, the same shall be invested in fixed deposit in any nationalised bank initially for a period of three years. Fixed deposit to be renewed till the date of disposal of the Appeal.

JUDGE.